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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/082,006

02/23/2002

Charbel Khawand

CM03418J

1901

7590

09/15/2004

Scott M. Garrett
Motorola, Inc.
Law Department
8000 West Sunrise Boulevard
Fort Lauderdale, FL 33322

EXAMINER

GARY, ERIKA A

ART UNIT

PAPER NUMBER

2681

3

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,006

Applicant(s)

KHAWAND ET AL.

Examiner

Erika A. Gary

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by applicant's submission of prior art, Wan et al., US Patent Number 6,240,288 (hereinafter Wan).

Regarding claim 1, Wan discloses a method of monitoring a broadcast channel for a page at a mobile communication device, comprising: receiving a broadcast signal in the broadcast channel to check for the page; determining a signal quality metric upon receiving the broadcast signal; selecting a time period based on the signal quality metric; and receiving the broadcast again to check for the page only after the time period has passed [figs. 7, 8; col. 2: lines 32-44].

Regarding claim 2, Wan discloses placing the mobile communication device into a low power mode between the selecting and receiving the broadcast signal again, the low power mode being characterized by the mobile communication device having a lower rate of power consumption than when receiving the broadcast signal [col. 4: lines 19-31, 46-52].

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Regarding claim 3, Wan discloses the signal quality metric is determined, at least in part, by the received signal strength [col. 9: lines 26-30].

Regarding claim 5, Wan discloses the signal quality metric is determined by weighting at least two parameters selected from the group consisting of received signal strength of the broadcast signal, automatic gain control setting of a receiver of the mobile communication device, and a correlation value of the broadcast signal [col. 9: line 26 – col. 10: line 19].

Regarding claim 6, Wan discloses if the signal quality metric is below a preselected threshold, the selecting the time period comprises selecting a default time period [col. 11: lines 45-52].

Regarding claim 7, Wan discloses the selecting the time period based on the signal quality metric comprises selecting the time period in terms of a number of time slots, the time slots defined by an air interface used by the mobile communication device [fig. 7: ref. 740; col. 5: line 62 – col. 6: line 6; col. 11: lines 10-28].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wan.

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Regarding claim 4, Wan does not specifically teach that the signal quality metric is determined, at least in part, by an automatic gain control setting of a receiver of the mobile communication device. However, it is well known in the art to determine signal quality by various means, such as by automatic gain control. It would have been obvious to one of ordinary skill in the art at the time of the invention, to include using an automatic gain control setting as Wan states that any technique to measure signal quality could be used wherein the invention would perform equally well [col. 10: lines 16-18].

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lekven et al., US Patent Number 5,884,196, disclose preserving power of a remote unit in a dispatch system.

Henry, Jr. et al., US Patent Number 6,560,453, disclose dynamically adjusting the paging channel monitoring frequency of a mobile terminal based on the operating environment.

Lee, US Patent Number 6,628,972, discloses a power saving method of a mobile telephone.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 703-308-

0123. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
September 14, 2004


ERIKA A. GARY
PRIMARY EXAMINER